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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,093

03/16/2005

Taejin Park

PARK3033/REF

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EXAMINER

WENDELL, MARK R

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

09/18/2007

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/528,093

Applicant(s)

PARK, TAEJIN

Examiner

Mark R. Wendell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20050316.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: Page 4, line 19, the word "are" should be replaced with "is" and the second occurrence of the word "of" should be changed to "at."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "is installed after the vehicle moves to the entering/alighting section" is not supported within the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-2, 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cho et al. (US 4884662). Regarding claim 1 Cho illustrates in Figure 1, a terminal for a guideway transit system comprising: an entry section (20) which is connected at one side to a guideway (36) at which a plurality of pilot lines (70, 72, 74, 76) for guiding the movement of a vehicle are formed, and to which each of the pilot lines (70, 72, 74, 76) of the guideway (36) is extended in such a manner as to be divided into several branches; an entering/alighting section (100) at which a plurality of berths (124, 126) where entering/alighting of a passenger or a freight into/from the vehicle is performed, is installed after the vehicle moves to the entering/alighting section along the pilot lines (70, 72, 74, 76) each divided into the several branches of the entry section and stops at the entering/alighting section; an U-turn section (116) for allowing the vehicle that has finished alighting from the vehicle at the entering/alighting section to perform U-turn; and a parking section (16) which is connected at one side to the U-turn section for allowing the vehicle that has finished operation to park at the sectioning park, and at the other side of which an external entry connected to an external general road is formed so that a dual-mode vehicle that operates on both the general road and the guideway can enter/exit into/from the parking section through external entry. The examiner notes that the limitation of the berths being "installed after the vehicle moves to the entering/alighting section" is a product by process limitation. "Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its

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method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process (MPEP 2113)."

Regarding claim 2, Cho illustrates in Figure 1 the terminal according to claim 1, wherein the U-turn section (116) allows the vehicle to move one-way only (see directional arrow in Figure).

Regarding claim 4, Cho illustrates in Figure 1 the terminal according to claim 1, wherein the entering/alighting section (100) and the entry section (20) have a standby line (72) formed thereon so that the vehicle which has finished the entering of the passengers can proceed up to the standby line (72) formed in the entry section (20) and stand by for departure.

Regarding claim 5, Cho illustrates in Figure 1 the terminal according to claim 1, wherein a plurality of the pilot lines (70, 72, 74, 76) in the entry section (20) is arranged in such a manner as that they maintain the interval there between to an extent of being greater than the width of the vehicle over a predetermined distance from a point adjacent to the entering/alighting section (100), so that more vehicles can stand by for alighting of the passengers from the vehicle in the entry section (20) in the case where there are many vehicles entering the terminal for the alighting.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

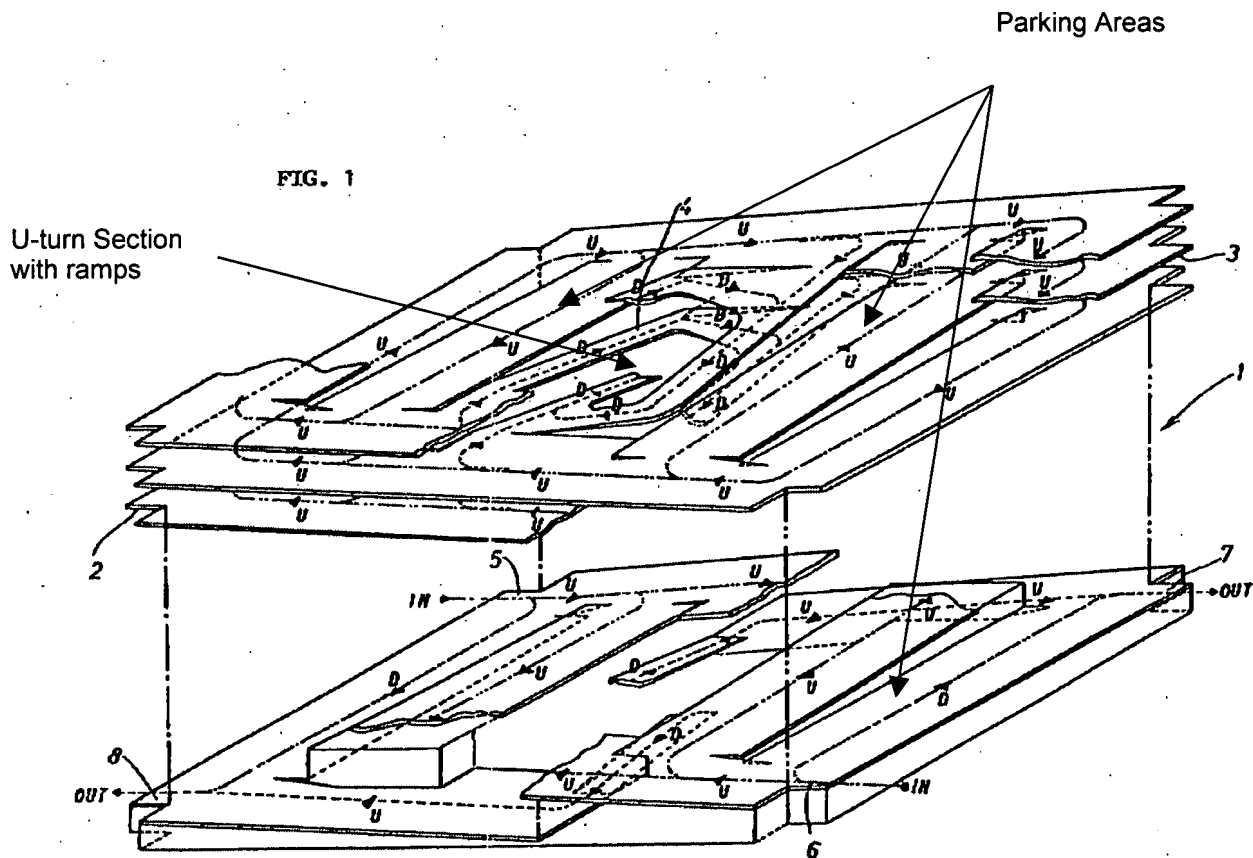
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho et al. (US 4884662) in view of Hotta et al. (US 5234305). Regarding claim 3, it is described above what is disclosed by Cho. However, Cho does not teach a waiting room horizontally connected to the berths or a vehicle moving above or below the waiting room. Hotta illustrates in Figures 1 and 4 a U-turn section configured in such a manner that a waiting room is horizontally connected to the berths and the vehicle moves above or below the waiting room along a ramp so that the passengers can move horizontally between the waiting room and the berth (see modified Figures below). It would have been obvious to one of ordinary skill at the time of invention to modify the guideway structure of Cho with the storied U-turn / parking structure of Hotta to accommodate for more traffic / customers.

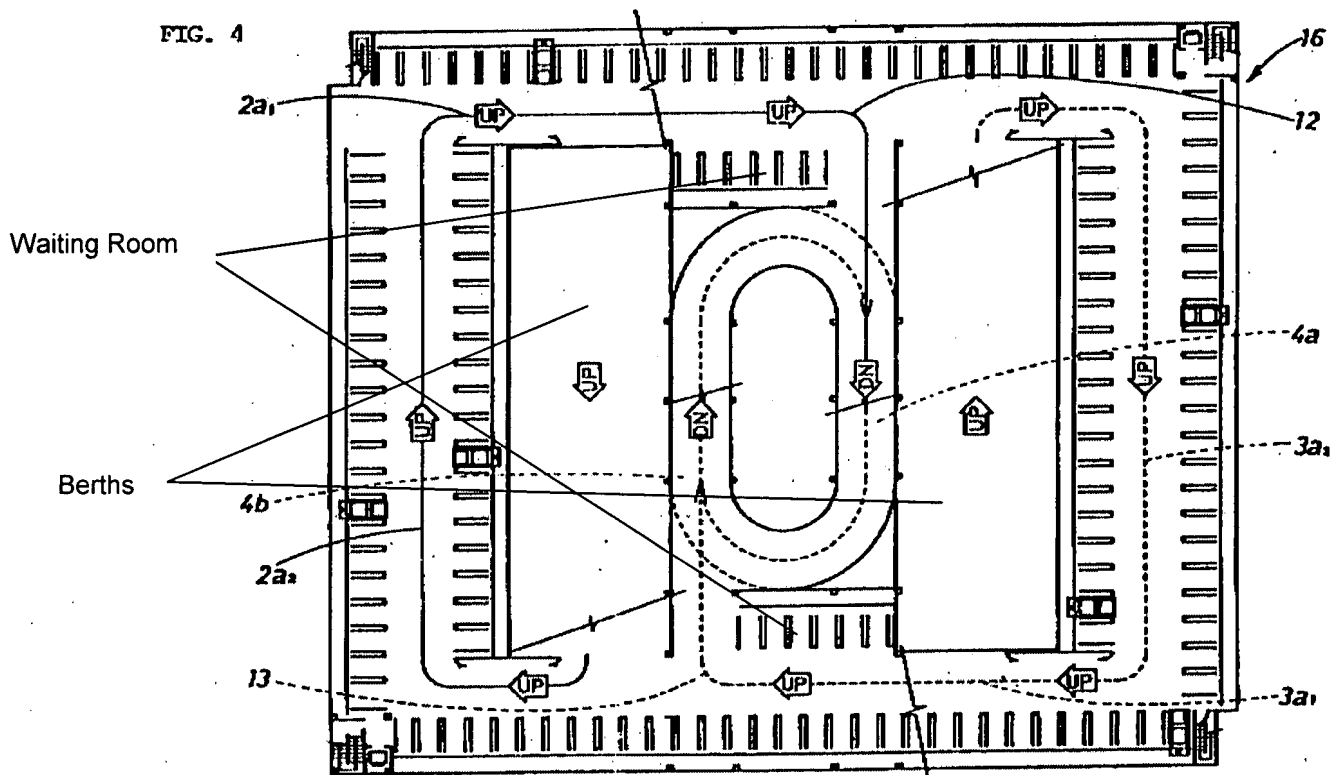
Regarding claim 6, Hotta illustrates in Figures 1 and 4 a parking section having a double-storied structure and each of the two floors is configured in such a manner that the vehicle can move to the parking section along the ramp (see modified Figures below).

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Regarding claim 7, Hotta illustrates in Figures 1 and 4 a U-turn section configured in such a manner that a waiting room is horizontally connected to the berths and the vehicle moves above or below the waiting room along a ramp so that the passengers can move horizontally between the waiting room and the berth (see modified Figures below).



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### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilson (US 2895179) teaches a multiple screen drive-in theater with a U-turn area, parking area, berths, and pilot lines. Stull et al. teaches an electromagnetically propelled transportation system with pilot lines, berths, and a U-turn area.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Wendell whose telephone number is (571) 270-



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3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Victor Batson  
Supervisory Patent Examiner  
Art Unit 3609

MRW  
September 10, 2007